

**James Madison to Thomas Jefferson, April 16, 1782.
Transcription: The Writings of James Madison,
ed. Gaillard Hunt. New York: G.P. Putnam's Sons,
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TO THOMAS JEFFERSON.¹

1 From the Madison Papers (1840).

Philadelphia, April 16, 1782.

Dear Sir, —I entreat that you will not suffer the chance of a speedy and final determination of the Territorial Question, by Congress, to affect your purpose of tracing the title of Virginia to her claims. It is, in the first place, very uncertain when a determination will take place, even if it takes place at all; and in the next it will assuredly not be a final one, unless Virginia means to be passive and silent under aggression on her rights. In every event, therefore, it is proper to be armed with every argument and document that can vindicate her title. Her adversaries will be either the United States, or New York, or both. The former will either claim on the principle that the vacant country is not included in any particular State, and consequently falls to the whole, or will clothe themselves with the title of the latter by accepting its cession. In both cases it will be alleged, that the charter of 1609 was annulled by the resumption of it into the hands of the Crown, and that the subsequent grants to Maryland, &c., denote this to have been the construction of it; that the proclamation of 1763 has constituted the Alleghany ridge the Western limit of Virginia, and that the letter of President Nelson, on the subject of a new Colony on the Ohio, relinquishes on the part of Virginia all interference with the authority of the Crown beyond that limit. In case the title of New York should alone be opposed to that of Virginia, it will

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be further alleged against the latter, that the treaties of 1684, 1701, 1726, 1744, and 1754, between the Government of the former and the Six Nations, have annexed to it all the country claimed by these nations and their tributaries, and that the expense of New York in defending

and protecting them ought in equity to be reimbursed by this exclusive advantage. The original title of New York is indeed drawn from the charter to the Duke of York in 1663–4, renewed after the treaty of Westminster in 1674. But this charter will not, I believe, reach any territory claimed by Virginia.

Much stress will also be laid on the treaty of Fort Stanwix, particularly as a bar to any corroboration of the claim of Virginia from the treaties of Lancaster and Loggstown. It is under this treaty that the companies of Indiana and Vandalia shelter their pretensions against the claims of Virginia, &c. &c. See the pamphlets entitled “Public Good” and “Plain Facts.” As these pretensions can be of no avail, unless the jurisdiction of Congress, or New York at least, can be established, they no otherwise deserve notice than as sources of calumny and influence in the public councils; in both which respects it is the interest of Virginia that an antidote should be applied.